

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. S-382-D

PETITION OF BP AMOCO CORPORATION

**RESOLUTION TO RE-OPEN THE RECORD AND HOLD AN ADDITIONAL
HEARING**

(Resolution Adopted, May 29, 2002)
(Effective Date of Resolution, July 1, 2002)

In Case No. S-382-D the Board of Appeals held a special exception modification hearing on March 20, 2002. At the close of the public hearing the Board requested an inspection of the special exception property by the Department of Permitting Services (DPS), written arguments from the parties on the applicability of Section 10-304 of the Business and Associations Article of the Maryland Annotated Code to the modification request, and analysis by technical staff at the Maryland National Park and Planning Commission (MNCPPC) of whether the Zoning Ordinance allows convenience/retail as an accessory use to an automobile filling station when convenience/retail is not one of the permitted uses either by right or as part of a special exception in the C-1 Zone.

The subject property is Part of Parcel A (N612), Aspen Hill Shopping Center, located at 13800 Georgia Avenue, Silver Spring, Maryland, in the C-1 Zone, (Tax Account No. 00961383).

At its Worksession on May 29, 2002, the Board reviewed the requested information and decided to reconvene the public hearing on the modification request. Therefore,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case No. S-382-D, Petition of BP Amoco Corporation, is re-opened to receive Kathleen Reilly's May 6, 2002 Memorandum, together with Mr. Garber, Mr. Storm, Ms. Borten, and Mr. Kline's letters with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Board will reconvene the public hearing on the modification request on September 18, 2002, at 10:30 a.m.; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, except as modified herein, all terms and conditions of the original special exception for an automobile filling station, and any modifications thereto, shall remain in full force and effect.

On a motion by Louise L. Mayer, seconded by Donna L. Barron, with Angelo M. Caputo, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the foregoing Resolution.

Donald L. Spence, Jr.
Chairman, Board of Appeals

I do hereby certify that the foregoing
Opinion was officially entered in the
Opinion Book of the County Board of
Appeals this 1st day of July, 2002.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.